

DIAMOND CREEK VILLAS

Initial Study

(ZA-09-10/SD-09-09/DA-09-07/EA-09-25)

PREPARED FOR

City of Morgan Hill Community Development Department

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A. BACKGROUND

Project Title	Diamond Creek Villas
Lead Agency Contact Person and Phone Number	Morgan Hill Community Development Department Steve Golden, Associate Planner, 408-778-6480
Date Prepared	November 7, 2012
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Planner Bill Goggin, Senior Biologist
Project Location	Monterey Road 800 feet northwest of Watsonville Road; APNs: 767-23-026/ -027/ -029
Project Sponsor Name and Address	Monterey Dynasty LLC P.O. Box 2610, Cupertino, CA 95015
General Plan Designation	General Commercial and Medium Density Residential
Zoning	CG and R-3

Setting

The 9.75-acre project site is located along the southwestern side of Monterey Road about 800 feet northwest of Watsonville Road and southeast of downtown Morgan Hill. [Figure 1, Regional Location](#), [Figure 2, Project Vicinity](#), and [Figure 3, Assessor's Parcel Map](#), show the location of the project site. The project site is currently occupied by commercial buildings and associated parking lots near Monterey Road, vacant land, and a house and related structures at the southwestern end. The applicant has applied for a demolition permit to remove all of the structures on the project site; this environmental review reflects the site with the buildings in existence. Photographs of the project site are shown on [Figure 4, Project Site Photographs](#). The project site is surrounded by Monterey Road to the northeast, West Little Llagas Creek to the southwest, residential and commercial development to the northwest, and vacant land to the southeast. Additional commercial uses and a Department of Forestry fire station are located to the opposite side of Monterey Road. A bicycle path follows West Little Llagas Creek. Surrounding uses are shown in [Figure 5, Project Vicinity Photographs](#).

The existing commercial uses on site include a used auto sales lot, television repairs, and a hair salon. The site is occupied by four one-story commercial buildings comprising about 8,500 square feet, and about 90,000 square feet of pavement. The hair salon is located in a building that was once used as a gas station.

The residence at the southwestern end of the project site is accessed on an unpaved driveway along the northwestern edge of the project site. A large garage and a shed are also located in this area. Numerous trees, including cedars, pines, and assorted smaller landscape trees are located near the house.

The project site is essentially level. A drainage swale located near the center of the project site provides surface drainage through the project site and onto the property to the southeast, ultimately draining into West Little Llagas Creek.

Description of Project

The proposed project consists of a subdivision for commercial development near Monterey Road and medium density residential development in the remaining area. A new public street would be constructed to serve the project site and the currently vacant adjacent site to the southeast. The subdivision would result in the creation of two commercial parcels (0.9 and 1.3 acres), three condominium parcels, 29 townhome lots, and a variety of common lots for private streets, parking, landscaping, and private recreational use. Residential development would occupy about 6.5 acres and the public street dedications would occupy slightly more than one acre. The vesting tentative map is presented in [Figure 6, Vesting Tentative Map](#).

Commercial development would be located on two parcels adjacent to Monterey Road and separated by the new street. The design of commercial buildings is conceptual at this time. However, the potential general area/footprint of the buildings as well as the square footage have been used to analyze potential impacts associated with these buildings such as the preparation of the TIA. Commercial buildings of about 16,000 and 11,000 square feet are assumed to be constructed. The buildings would be up to about 35 feet tall, as allowed by the City's CG zoning district. No specific commercial uses are proposed at this time, however this area falls within the CG, General Commercial zoning district. Permitted uses in the CG zoning district include offices, services, restaurants, and retail stores. Conditionally allowed uses include service stations, minor automobile repair, utilities, motels, and nursing homes.

Residential development would occupy about three-quarters of the project site. The residential units are comprised of three buildings containing up to 101 condominium units and six townhome buildings with a total of 29 units. A day care facility is proposed to be included within one of the condominium buildings. The condominium buildings are located towards the center of the residential area, surrounded by drive aisles, parking, and walkways. The townhomes would be located to the northeast (between the condominiums and the commercial development) and to the southeast of the condominiums. Both the condominiums and townhomes would be three stories tall. The condominiums would be provided with 102 covered carport parking spaces and the townhomes would be provided with 58 garage parking spaces.

Additional uncovered parking spaces would bring total parking to 324 spaces within the residential area. [Figure 7, Site Development Plan](#), shows the location of the condominium and townhouse units. The residential area would include a private park, swimming pool, community building, and tot lot for use of residents. The applicant anticipates developing the residential components in phases.

Storm water drainage from within the residential area would flow (overland or via gutters and pipes) into a pair of bioswales, one located along the northeastern property line, and one located along the southwestern property line. Each bioswale would drain into an underground detention basin prior to discharge off the project site. [Figure 8, Preliminary Grading Plan](#), shows the proposed drainage features.

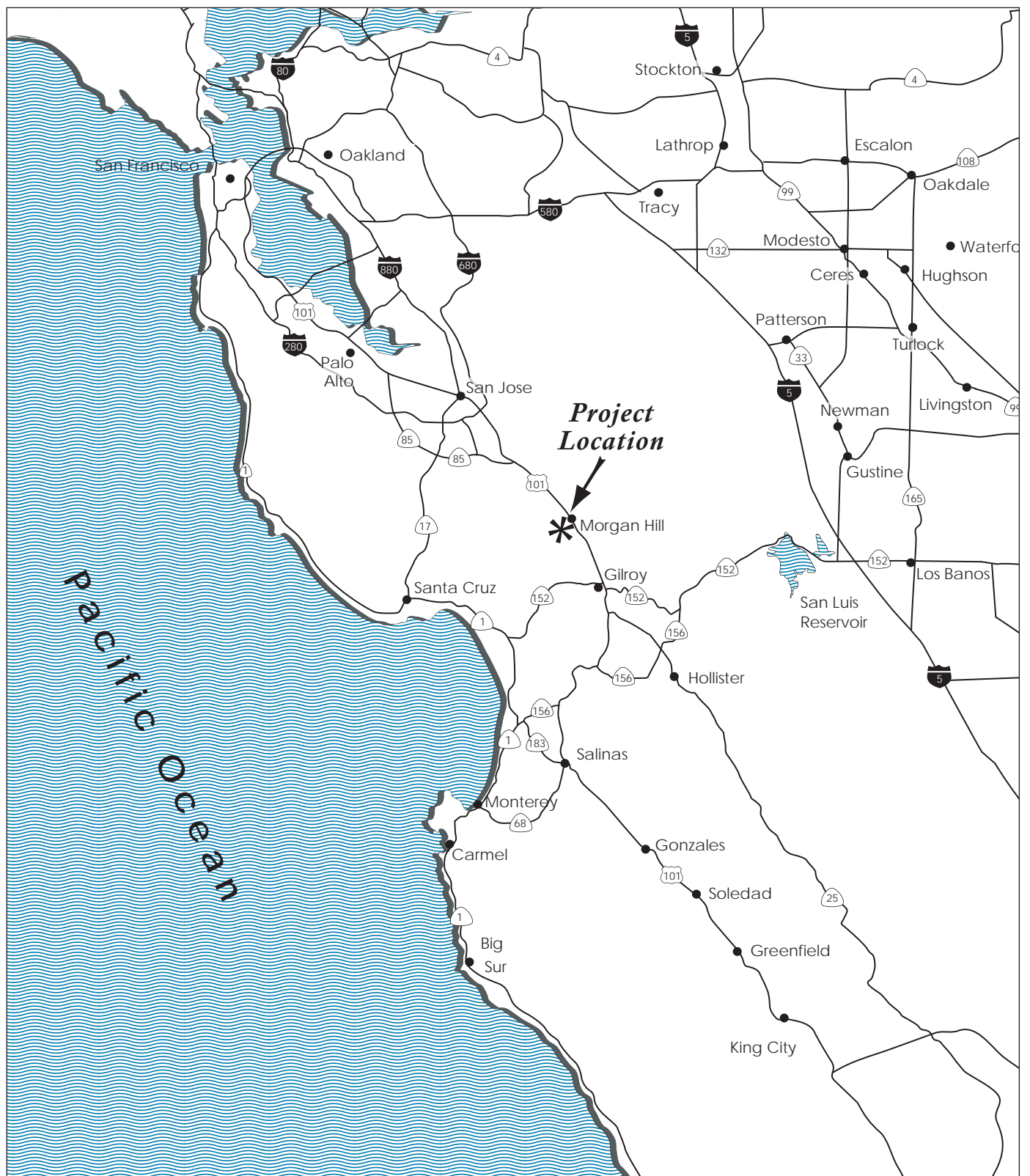
Other Public Agencies Whose Approval is Required

Regional Water Quality Control Board

U. S. Army Corps of Engineers

Santa Clara County Department of Environmental Health

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Not to Scale

E

M

C

Figure 1
Regional Location

Diamond Creek Villas Initial Study

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0 900 feet

Source: Google Earth 2011

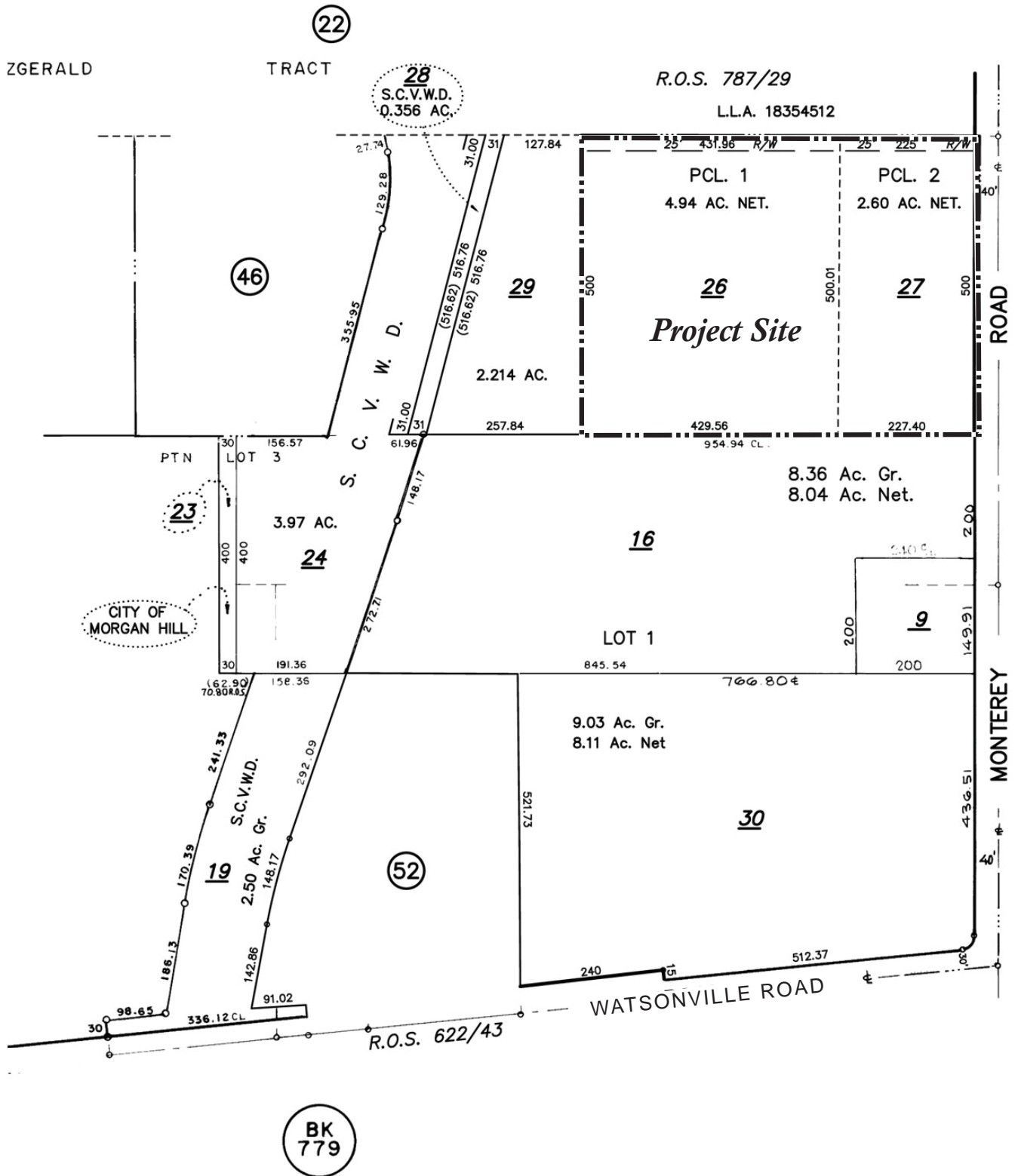
Figure 2

Project Vicinity

Diamond Creek Villas Initial Study



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Source: Santa Clara County Assessor 2010

Figure 3

Assessor's Parcel Map

Diamond Creek Villas Initial Study



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① House



② Garage and house



③ Drainage through center of site



④ Driveway to house



⑤ Hair salon in former gas station



⑥ Used auto sales

Figure 4

Project Site Photographs

Diamond Creek Villas Initial Study

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① Adjacent townhomes



② Bike trail and houses



③ Office building



④ Adjacent commercial development

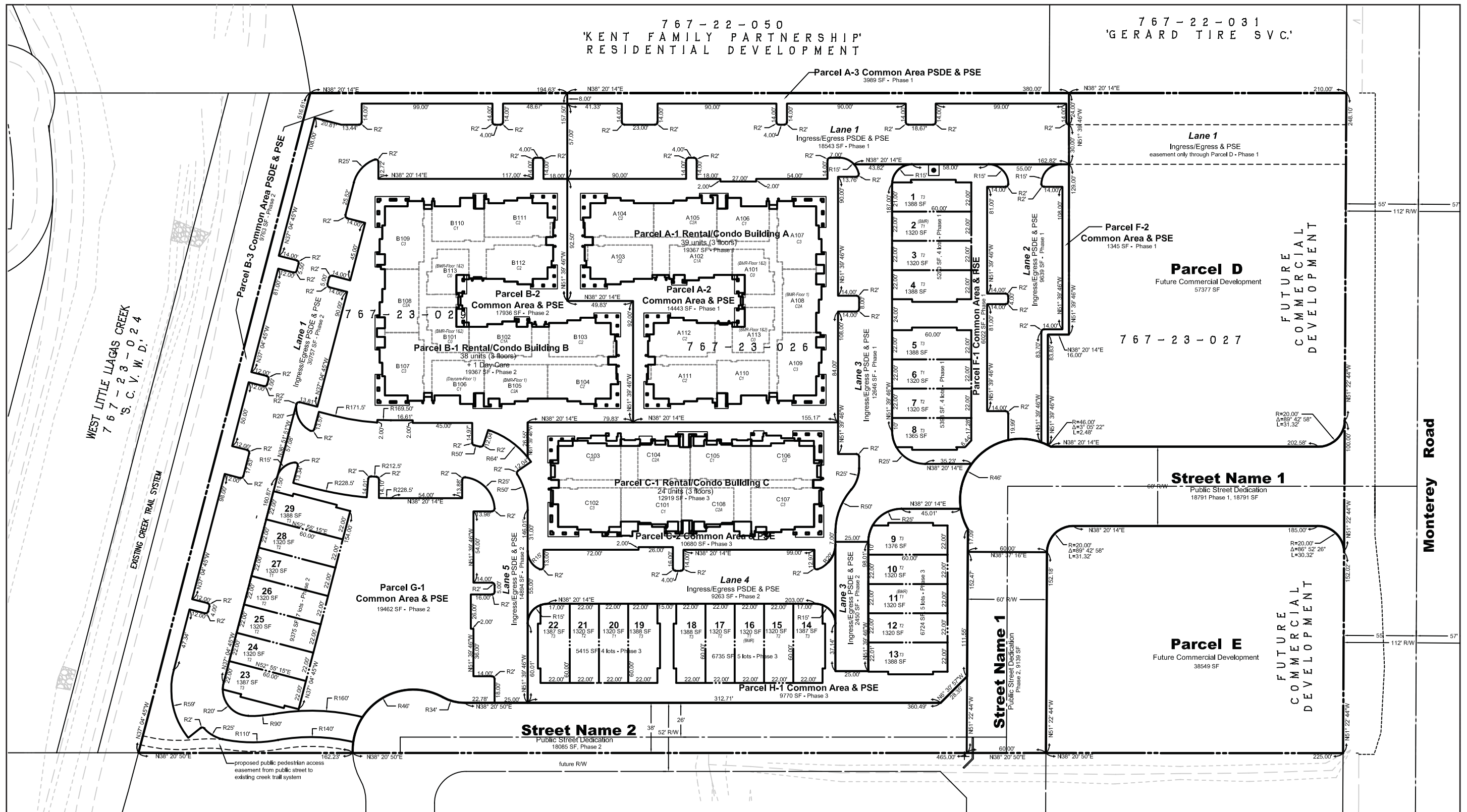


⑤ Shopping center



⑥ California Department of Forestry Fire Station

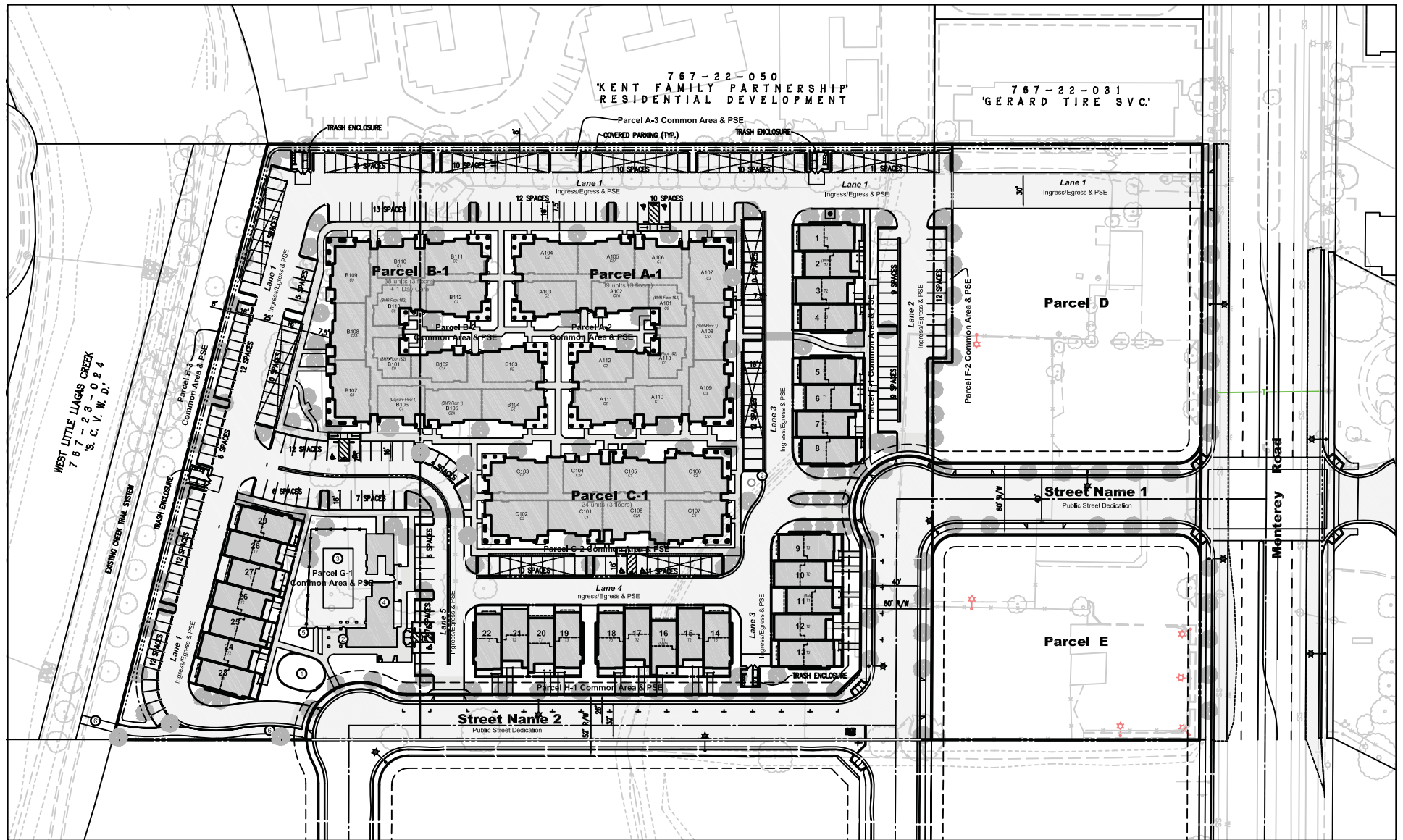
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Source: MH Engineering Co. 2012

Figure 6
Vesting Tentative Map
Diamond Creek Villas Initial Study

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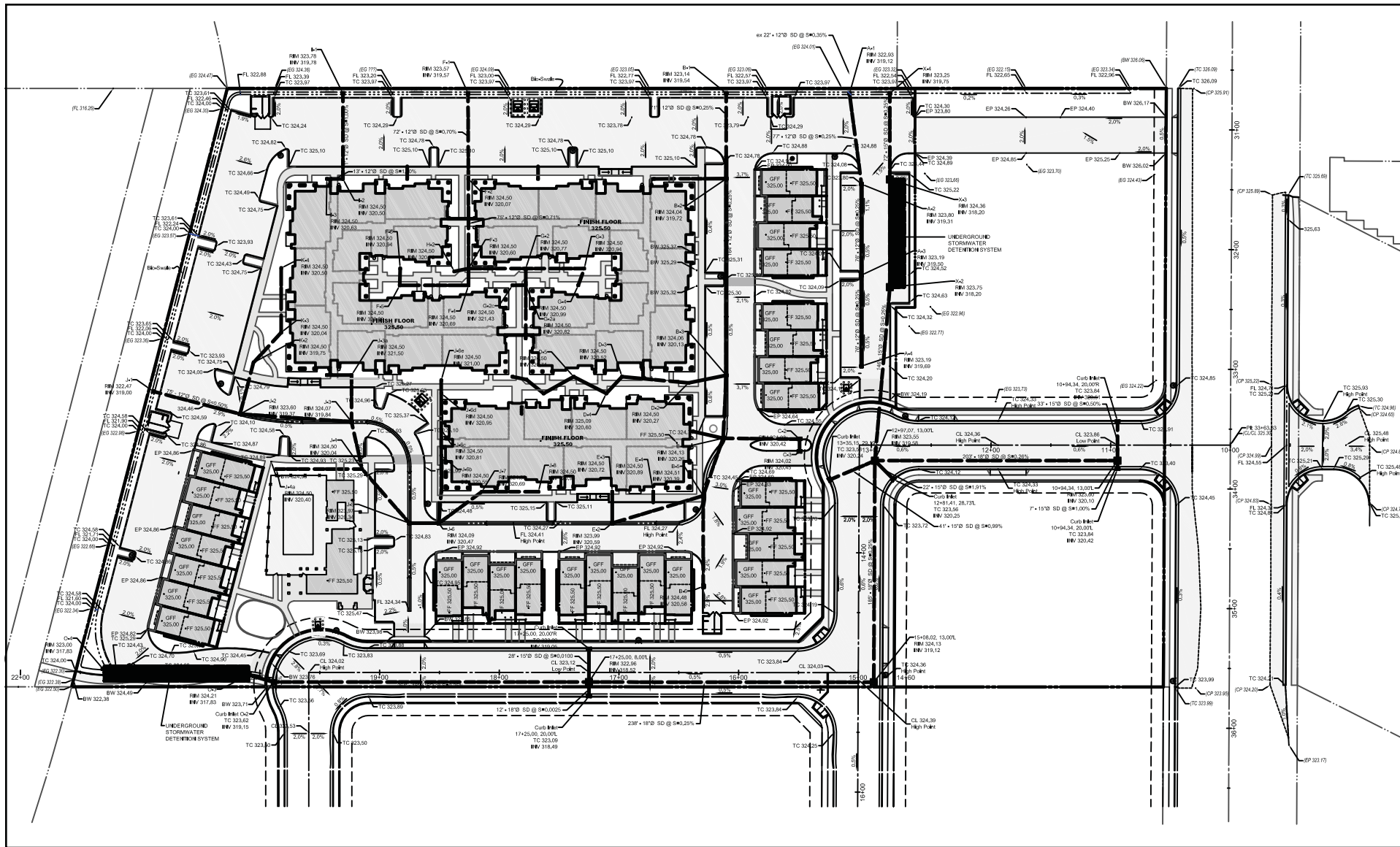


Source: MH Engineering Co. 2012

Figure 7
Site Development Plan
Diamond Creek Villas Initial Study



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Source: MH Engineering Co. 2012

Figure 8
Preliminary Grading Plan
 Diamond Creek Villas Initial Study



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B. ENVIRONMENTAL FACTORS POTENTIALLY

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ✓ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Steve Golden, Associate Planner
Name and Title

November 7, 2012
Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as a project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
- 7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
- 8. This is the format recommended in the CEQA Guidelines as amended October 1998.
- 9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The hills to the west of Morgan Hill are visible from Monterey Road adjacent to the project site, but the view is interrupted by existing development both on and adjacent to the project site. The project site is already developed with several buildings that both block and detract from views toward the hills. The project site is not identified in the Morgan Hill General Plan as an area providing scenic vistas. Monterey Road is identified as a gateway to the City in the area south of Watsonville Road (General Plan Policy 14a), but not adjacent to the project site.
- b. The project site is not visible from a state highway. The nearest highway is U.S. Highway 101, approximately one mile east of the project site.
- c. The proposed development would be similar in character to other development north of the project site along Monterey Road. The proposed project would replace existing older commercial buildings with new commercial development along Monterey Road, consistent with General Plan Policy 12d. The preliminary commercial site plan indicates the proposed project would also be consistent with General Plan Policy 12c by placing most parking behind the buildings. The proposed residential development is similar in type and character to the existing residential development to the northwest.
- d. Lighting levels would be typical of commercial and residential development.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (4, 5, 6, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The project site is classified as “Grazing Land” on the 2010 Important Farmlands Map of Santa Clara County. According to the Phase I report, there was an orchard located on the project site at one time. Aerial photographs indicate that no cultivated agricultural use has occurred on the project site in at least the past 18 years.
- b. The project site is not under a Williamson Act contract.
- c/d. There is no forest land on the project site.
- e. The project site is adjacent to developed uses on three sides and non-agricultural vacant land on the fourth side. The proposed project would not result in any changes to farmland.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (7, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (3, 7)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (3, 7, 22)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (3, 7, 22, 39)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

Note: The Bay Area Air Quality Management District (BAAQMD)'s *BAAQMD CEQA Air Quality Guidelines* ("CEQA Air Quality Guidelines") were updated in June 2010 to include references to thresholds of significance, which were then updated again in May 2011. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds. The court did not determine whether the thresholds were valid on their merits, but found that the adoption of the thresholds was a project under CEQA and the court issued a mandate ordering the BAAQMD to set aside the thresholds and cease their dissemination until the BAAQMD has complied with CEQA. Therefore, this analysis references the previously-adopted 1999 thresholds.

- a. The BAAQMD's Clean Air Plan was adopted on September 15, 2010 and addresses ozone, PM₁₀, toxic air contaminants, and greenhouse gasses. Consistency of projects with the Clean Air Plan is based on the project's implementation of applicable control

measures. Although several of these are focused on governmental program implementation, the following control measures¹ are at least in part relevant to private residential or commercial development: TCM D-1 Bicycle Access and Facilities Improvements; TCM D-2 Pedestrian Access and Facilities Improvements; TCM D-3 Local Land Use Strategies; LUM 4 Land Use Guidance; ECM 1 Energy Efficiency; ECM 2 Renewable Energy; ECM 3 Urban Heat Island Mitigation; and ECM 4 Shade Tree Planting. The project site is adjacent to the bike trail along West Little Llagas Creek and the proposed project would provide a connection to the trail. The project site has sidewalk connections to many nearby services. The proposed project will be subject to all applicable state energy efficiency requirements, including the current version of the Title 24 energy standards and CalGreen Tier 1; therefore, building constructed within the project site will be very energy efficient. The proposed project may include photovoltaic systems to provide a portion of the project's electricity as an alternative energy source to conventional electricity and other energy efficiency measures. In addition, the project will provide for minimum "green building" measures as contained in the project's commitment to Build it Green standards (minimum of 131 points for 68 units; 111 points for the balance of units) as part of the project's Residential Development Control System (RDSCS) allocation approval system. Furthermore, all development in the City is subject to the Sustainable Building Ordinance. The proposed project would be in substantial compliance with the control measures, and therefore, would not obstruct implementation of the Clean Air Plan.

- b/c. According to the 2011 CEQA Air Quality Guidelines Table 3-1 Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes, a project with fewer than 451 townhouse or condominium units or less than 99,000 square feet of retail space would not require further air emissions analysis for operational impacts. Table 3.1 also indicates that a project with fewer than 240 townhouse or condominium units or fewer than 277,000 square feet of commercial space would not result in significant construction emissions impacts. The 1999 CEQA Air Quality Guidelines provide a threshold of 451 apartment units or 44,000 square feet of retail shopping center, below which a project is not likely to exceed 80 pounds per day of nitrous oxides, and therefore, have a less than significant air quality impact. The proposed project is well below these thresholds. Although the construction phase includes demolition, which is an exception to using the

¹ TCM =Transportation Control Measures; LUM = Land Use & Local Impact Measures; ECM Energy & Climate Measures

screening procedure in the CEQA Air Quality Guidelines, the buildings to be removed are small (two commercial buildings totaling 8,500 square feet, a small house, and several outbuildings) and the proposed project is far below the screening size for construction. The City can issue a demolition permit ministerially, and CEQA is not required for this action. Therefore, the proposed project would not result in significant air quality impacts during construction or operations.

Construction of the proposed project would involve demolition and grading. Dust emissions from these activities would include particulate matter (PM₁₀ and PM_{2.5}) that is considered both a health risk and a nuisance. Existing residences are located adjacent to the project site and could be affected by the dust emissions. Implementation of the following standard measures would reduce impacts from construction dust to a less than significant level.

SM AQ-1. Future development on the project site shall implement the following Pre-Construction Measures to reduce construction-related dust impacts to a less than significant level:

- a. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.*
 - b. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.*
 - c. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.*
 - d. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall be required to maintain at least two feet of freeboard.*
 - e. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).*
 - f. Vegetation in disturbed areas shall be replanted as quickly as possible.*
- d. Traffic in locations with LOS F conditions can result in carbon monoxide concentrations above acceptable health standards. According to the traffic report no studied intersections would operate at LOS F (Hexagon page 30).
 - e. The proposed project does not include the types of uses that could result in significant odors.

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (1, 5, 16, 48, 49, 50)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (1, 5, 48)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1, 5, 48)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1, 5, 48)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 2, 54)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The project site was visited on March 23, 2011 by an EMC Planning Group biologist. The project site exists within an area that is partly developed with residential and commercial uses. From evidence observed in the field at the time of the survey, the project site appears to have been used in the past as a row-crop agricultural area (the remnant outlines of raised beds can still be seen). The Phase I report indicates past use of portions of the project site as an orchard. Topography of the project site is flat, with elevation approximately 320 feet above mean sea level. There is no sensitive habitat community within the project site with the potential for any state and/or federally listed plant or animal species to occur, with the exception of potentially present nesting raptors in several of the project site's larger trees (both non-native and native). Due to the project site's disturbed nature, and the limited foraging opportunities for raptors within the residentially and commercially developed, urbanized setting, there is a low potential for raptor species to nest within the project area. The only other potentially sensitive feature observed within the project site was a small drainage swale that flows from north to south southeasterly through the center of project site (discussed in item c, below). Please see [Appendix A, Special Status Species Potentially Occurring in the Diamond Creek Villas Project Area](#), for a list of special status species known to occur in the surrounding area, along with an analysis of their potential to occur on the project site. Additionally, see [Appendix B, California Natural Diversity Database \(CNDDB\) Print Out for the Project's Surrounding Vicinity](#), which details special status species observations in the area of the project site reported to the California Department of Fish and Game (CDFG).

There are numerous landscape/ornamental trees (and seven native valley oaks) 20 feet or taller located at the project site that could provide suitable nesting habitat for breeding birds. Additionally, the approximately five acres of non-native annual grassland habitat located on the project site provides low quality, yet suitable foraging for several potentially occurring raptor species, including: red-tailed hawk (*Buteo jamaicensis*) (observed foraging off site), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius*), short-eared owl (*Asio flammeus*), red-shouldered hawk (*Buteo lineatus*) and great-horned owl (*Bubo virginianus*). The grassland also provides potentially suitable nesting habitat for ground-nesting raptors, including the western burrowing owl (*Athene cunicularia hypugaea*). The Migratory Bird Treaty Act (MBTA) regulates or prohibits taking, killing, and possession of migratory bird species and their nests as listed in Title 50 Code of Federal Regulation (CFR) Section 10.13. Bird species and their nests are also protected under Sections 3515 and 3503 of the CDFG Code, Section 3503.5, which prohibits the take or destruction of any bird or nest in the order of *Falconiformes* (falcons, kites, and hawks) and *Strigiformes* (owls).

The proposed project would remove most if not all trees on the project site. Removing trees with active nests of protected birds is considered a significant adverse environmental impact. Implementation of the following standard measures and mitigation measures would reduce this potential impact to a less than significant level.

SM BIO-1. In conformance with the City's Burrowing Owl Habitat Mitigation Plan, future development on the project site shall implement the following measures to avoid direct impacts to burrowing owls and to offset impacts to non-native grassland habitat.

- a. Complete pre-construction surveys to determine if burrowing owls are present within the footprint of the proposed grading area, no more than 30 days prior to initiation of any construction-related activities.*
- b. Should burrowing owls be found on or adjacent to the site during breeding season (February 1 through August 31), exclusion zones with a 250-foot radius from occupied burrows, shall be established. All project-related activities shall occur outside the exclusion area until the young have fledged. If preconstruction surveys are completed during the non-breeding season and burrowing owls are observed on the site, the owls may be relocated upon approval of the California Department of Fish and Game once mitigation has been provided.*
- c. A final report on burrowing owls, including any protection measures, shall be submitted to the Director of Community Development prior to grading.*

MM BIO-2. Prior to any tree removal or initial ground disturbance activities (i.e. site grading) occurring between February 1 and August 31 (breeding bird season), a qualified biologist shall conduct a pre-construction raptor survey to determine if protected raptor species are nesting on-site. Raptor nests shall be provided a 150 setback (buffer) from construction activities during the breeding season.

- b. The project area contains no specific riparian habitat features or riparian corridors. There is a shallow swale on the project site (discussed in item c, below). This seasonal swale feature does not provide suitable breeding habitat for any potentially occurring special status species, including California red-legged frog (*Rana draytonii*) or California tiger salamander (*Ambystoma californiense*), both known to exist within approximately five miles of the project site. No Section 7 consultation with the U.S. Fish and Wildlife Service or consultation with CDFG is anticipated to be necessary.
- c. A drainage swale, evidenced by a very shallow bed and bank (less than three feet in depth), contained a small amount of hydrophytic vegetation and was conducting surface run-off during the EMC Planning Group biologist's site visit during heavy rains on March 23, 2011. The drainage swale runs through the project site for approximately 535

feet. The swale is fed mostly by run-off from impervious surfaces at commercial and residential development up-gradient of the project site. According to another consultant's analysis (Olberding 2011) the drainage swale may potentially qualify under U.S. Army Corps of Engineers (USACE) definitions as a jurisdictional wetland subject to section 404 Clean Water Act statutes. The Olberding wetland report is included in [Appendix C](#). The drainage appears to connect to West Little Llagas Creek (considered a "navigable watercourse"), thereby qualifying it as potentially jurisdictional with the USACE.

The proposed project would grade the project site, effectively filling the drainage swale and 0.09 acres of wetland community delineated at the site by Olberding. Without a 404 permit from (or clearance by) the USACE, and/or a 401 permit from the Regional Water Quality Control Board (RWQCB), this could be viewed as a violation of the Clean Water Act and/or the Porter-Cologne Act. Based on the project site's lack of riparian cover and/or a well formed riparian corridor, it is unclear if the on-site drainage swale feature would be viewed as jurisdictional under the CDFG's 1602 Streambed Alteration Agreement regulations; however, should the USACE exert jurisdiction over the swale, the applicant will want to consult with CDFG and RWQCB in advance of any site alteration activities to confirm these agencies jurisdictional role (or lack of role) in any environmental permitting process. The following mitigation measure would reduce potentially significant impacts on wetlands to a less than significant level.

MM BIO-3. Based on the presence of potentially-USACE-jurisdictional wetlands within the project site's boundaries by the USACE, the applicant shall implement the following measures prior to site disturbance:

- a. Have the submitted delineation report verified by USACE-personnel through a field verification site visit;*
- b. Prepare and submit necessary resource agency permit applications for involved regulatory agencies (USACE and RWQCB) and obtain approvals prior to the implementation of the subject project improvements; and*
- c. Upon receiving confirmation that the wetland area is verified as jurisdictional under federal (USACE) and/or state (RWQCB) clean water act statutes (Sections 404 and 401, respectively), the applicant is responsible for providing suitable on-site wetland mitigation compensation in the form of 1:1 replacement for the 0.09 acres of wetlands impacted by the project's implementation by creating a similarly sized wetland area on site and ensuring its creation, protection and maintenance for a period of up to three years through documented annual quarterly wetland site monitoring and adaptive management. Annual wetland monitoring reports (with photo's documenting site conditions) should be provided to the USACE and the City*

during the three year period of wetland establishment. All other project-specific permit conditions contained in USACE (and/or RWQCB) permits shall also be followed.

- d. *If no wetland impact mitigation compensation (i.e. wetland creation) can be practicably achieved on-site, then the applicant shall purchase wetland mitigation credits at a local (San Francisco Bay area) wetland mitigation bank in order to compensate for the loss of 0.09 acres of on site wetlands at a 2:1 replacement ratio. Additionally, the RWQCB could likely require site-specific mitigation measures that would pertain to water quality protections. Compensatory wetland mitigation will be finalized and incorporated prior to any site grading and is the responsibility of the applicant to implement.*
- d. There are no wildlife migration corridors within or adjacent to the project site.
- e. The proposed project would remove most of the trees on the project site. Municipal Code Chapter 12.32 regulates the removal (and replacement) of indigenous (i.e. native) trees within the City. Indigenous trees with a trunk circumference of 18 inches or greater are protected under the City's tree ordinance. A tree assessment was conducted to catalogue and describe the trees on the project site. The tree assessment noted 68 trees on the project site, seven of which were indigenous valley oaks (*Quercus lobata*). Three of these had a trunk circumference of 18 inches or greater, and are protected under the City's tree ordinance. None of the non-indigenous trees had the requisite 40 inch circumference for protection under the City's tree ordinance, being that they are located within residentially-zoned areas. The tree ordinance requires replacement of the valley oaks with a similar indigenous species (i.e. native oak). Implementation of the following mitigation measure will ensure compliance with the tree replacement requirements.

MM BIO-4. The applicant shall submit a landscape plan for the review and approval of the Community Development Director which includes replacement of any valley oak trees with trunk diameter of 18 inches or greater that are removed with the same species. Replacement shall be at a 2:1 ratio and replacement trees shall be minimum 48-inch boxed specimens or equivalent, and shall be located and planted in conformance with the guidance in the California Oaks Foundation publication, "Compatible Plants Under & Around Oaks." The health of the trees shall be monitored for no less than ten years, and replacement trees provided in the case of death or significant decline as judged by the Community Development Director. A bond for the cost of replacement shall be provided for a ten-year period following planting.

Additionally, for all trees that are preserved within the project area or for trees that are on adjacent parcels, but have their dripline within proposed areas to be graded as part of the construction of the project, the following tree preservation Best Practices will apply:

- a. *Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.*
 - b. *Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over 1" diameter) should be exposed approximately 12" beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.*
 - c. *Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and 6-8 feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree.*
 - d. *Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.*
 - e. *Avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least 1-2 years following completion of construction.*
 - f. *Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than 6 lbs. of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.*
 - g. *Mulch 'rooting' area with an acidic, organic compost or mulch.*
 - h. *Arrange for periodic (Biannual / Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.*
 - i. *Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.*
- f. At the time of publication, there is no adopted habitat conservation plan (HCP) or natural community conservation plan covering the project site. A habitat conservation plan for Santa Clara County (Santa Clara Valley HCP), including Morgan Hill, is in the process of development. The City of Morgan Hill has approved the plan, but it has not been adopted by all of the sponsoring jurisdictions or agencies included in the plan. In addition, permits by the wildlife agencies (United States Fish and Wildlife Service and CDFG) have not been issued and final plan implementation details are under

development. The project may be considered exempt from the HCP if certain conditions are met as outlined in Chapter 2 of the Final HCP (“pipeline project”). However, there may be certain benefits the project could receive if considered a project under the HCP. Regardless, the project will not have an impact on the implementation of the HCP. Therefore, the proposed project would not result in any related impacts.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 5, 17, 31, 32, 33)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (47)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Disturb any human remains, including those interred outside of formal cemeteries? (47)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Several buildings are located on the project site, including three commercial buildings, a house, and a residential garage. These structures are shown in [Figure 4, Project Site Photographs](#). None of the buildings is included on the State Historic Landmarks list or the National Register of Historic Places. No structures on the site are included on the City's or County's list of historic structures and none are believed to have significant historic value. The gasoline station was constructed in 1948, but has been extensively re-modeled, including the removal of the fuel pumps, and used for other purposes since 1968.
- b-d. The project site is within a sensitivity area as shown on the City's map of archeological sensitivity. A records search of the project vicinity was conducted at the Northwest Information Center and one recorded historic cultural resource was found within one kilometer of the project site, but no records of cultural resources on the project site were found. Past archeological surveys have been conducted on properties adjacent to the project site. An archaeological general surface reconnaissance of the project site was conducted by Archaeological Consulting on April 25, 2011, and no evidence of materials frequently associated with prehistoric cultural resources was found (Archaeological Consulting page 4). The project site is within the flood plain of West Little Llagas Creek and within the recognized ethnographic territory of the Mutsun bands of the Costanoan (Ohlone) tribes. Therefore, buried cultural resources could exist on the project site. The

project site is not known to contain any paleontological resources; however unknown paleontological resources could exist. In the event cultural materials or paleontological resources are found during site grading or excavation, the following standard measures would be implemented:

SM CR-1. Construction personnel involved in the site clearing and subsequent grading and trenching shall be informed that there is a potential for the discovery of subsurface cultural resources. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and animal or human burials.

SM CR-2. In the event any unanticipated subsurface cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

SM CR-3. Because this project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials, the following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.

a. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.*
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.*

b. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian,

arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

- c. *An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).*
- d. *The discovery locale shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.*
- e. *The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:*
 - *The City of Morgan Hill Community Development Director (408) 779-7247*
 - *The Contractor’s Point(s) of Contact*
 - *The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900*
 - *The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082*
 - *The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)*
- f. *The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.*
- g. *The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)*
- h. *Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.*

- i. *Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.*
- j. *If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.*

SM CR-4. If resources are encountered, a final report shall be submitted to the Director of Community Development. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition / curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Community Development.

SM CR-5. If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
(2) Strong seismic ground shaking? (10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (13, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
(4) Landslides? (13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in substantial soil erosion or the loss of topsoil? (14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The nearest faults identified on the four Alquist Priolo maps covering the vicinity of the project site are the Calaveras Fault, about five miles to the east, and the San Andreas Fault, about eight miles to the southwest of the project site. The general plan shows the presence of two thrust faults in the general vicinity of the Calaveras Fault, along the eastern edge of the Santa Clara Valley. Because no fault lines cross the project site, fault rupture on the project site is very unlikely. The project site would be subject to substantial ground shaking during an earthquake on either of these faults; however, the proposed project would be subject to the latest version of the California Building Code, including seismic engineering requirements. The California Geological Survey has published seismic hazards maps for some areas of California (distinct from the Alquist-Priolo maps), but has not published a seismic hazards map for the project site area. Based on the seismic hazards map for the Morgan Hill quadrangle, which covers areas as near as half a mile to the north, and the Soil Conservation Service's soil survey, the project site soils are not prone to liquefaction. The project site is essentially level, and not prone to landslides.
- b. San Ysidro loam, the soil type found on the project site, has a low erosion potential. The City requires preparation of an erosion control plan as part of the building permit process.
- c. There is no evidence that the project site is subject to significant ground failure.
- d. San Ysidro loam, the soil type found on the project site, has a moderate to high potential for expansion. The City requires a soils or geotechnical report as part of the building permit process. Foundation designs and construction specifications would be engineered in accordance with the latest version of the California Building Code and based on the findings of the soils or geotechnical report, to accommodate this soil characteristic.
- e. The proposed project would be connected to the municipal sewer and would not include septic systems.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (7, 23, 24, 29, 55)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (7)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

As discussed in Section 3. Air Quality, on March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the air quality and greenhouse gas emissions thresholds. At this time the BAAQMD is not recommending that the thresholds be used as a generally applicable measure of a project's significant air quality impacts. The BAAQMD states that lead agencies may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project (BAAQMD website).

The BAAQMD prepared the *Draft Options and Justifications Report California Environmental Quality Act Thresholds of Significance* ("justifications report") in October 2009 to justify the recommended thresholds that were adopted in 2011. Based on the scientific justification provided in that report, and lacking officially adopted or prior adopted thresholds, the BAAQMD's thresholds are utilized in this analysis.

- a. Absent an adopted Climate Action Plan, the BAAQMD Air Quality CEQA Guidelines provide two threshold options for greenhouse gas emissions. The City of Morgan Hill has not yet adopted a plan, policy, or regulation for the purpose of reducing greenhouse gas emissions. Refer to discussion under item b.

Under the disputed BAAQMD thresholds, a project that results in less than 1,100 metric tons per year of greenhouse gas emissions, or less than 4.6 metric tons per service population (residents plus workers) is considered to have a less than significant effect on the environment. The City developed a baseline carbon footprint of 299,578 tons (about 8.2 tons per resident per year) in 2005. The threshold developed by BAAQMD is substantially lower than the City's current per capita carbon footprint.

The proposed project would have a service population of about 427 based on persons per household data from the Census Bureau and square footage per retail worker data from the United States Energy Information Administration (130 residential units times 3.07 persons per household equals 399 residents; and 27,000 square feet of commercial space divided by 960 square feet per worker equals 28 workers). Therefore the service population threshold for the proposed project would be 1,965 (4.6 metric tons times 427) metric tons of greenhouse gasses per year. The BAAQMD Greenhouse Gas Model (BGM) was run in conjunction with URBEMIS 2007 v9.2.4 to estimate greenhouse gas emissions from the proposed project. The results of the BGM model are included in [Appendix D](#). The BGM model run accounted for reductions owing to the project site's proximity to the Llagas Creek bicycle trail and other bicycle and pedestrian facilities, proximity to three VTA bus routes, and other mitigating factors. Household size was increased to 3.1 persons per unit and the round-trip distance to the landfill was increased to 120 miles. According to the BGM modeling the proposed project would result in the emission of about 1,673 metric tons of greenhouse gasses per year (3.9 metric tons per service population). Greenhouse gas emissions would be within the BAAQMD's service population threshold for greenhouse gas emissions. [Table 1, Greenhouse Gas Emission Summary](#), provides a review of the service population calculations. Although the thresholds are not currently in effect, the greenhouse gas emissions would be substantially lower than the City's current carbon emissions rate.

Table 1 Greenhouse Gas Emission Summary

Component	Calculation	Emissions Allowed
BAAQMD Service Population Threshold Factors		
Residents		4.6 metric tons each
Workers		4.6 metric tons each
Proposed Project Threshold		
Residents	130 units x 3.07 persons per unit x 4.6 metric tons	1,836 metric tons
Workers	27,000 sf / 960 sf per worker x 4.6 metric tons	129 metric tons
Total Allowed		1,965 metric tons
BGM Estimate	3.9 metric tons per service population	1,673 metric tons

Source: BAAQMD

- b. The City of Morgan Hill has not adopted a Climate Action Plan. Because the proposed project is within the greenhouse gas emissions thresholds developed by the BAAQMD, it is considered to be in compliance with the AB 32 implementation plan, which is the state's guidance for reducing greenhouse gas emissions. The City has committed to preparing a Climate Action Plan/Comprehensive GHG Reduction Strategy (CAP/GHG Reduction Strategy) by 2015². The City intends to include the elements specified in CEQA Guidelines Section 15183.5(b)(1) as well as the 2010 BAAQMD CEQA Guidelines.

² As contained in City Council Resolution 6493 which approved a general plan amendment to the land use element (not related to the subject site) and committed the City to prepare and implement a CAP by the year 2015 that will reduce greenhouse gas emissions within the City of Morgan Hill by 2020 consistent with the direction of the State of California, as outlined in Assembly Bill 32.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (15, 16, 17, 30)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (18)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (3, 4, 5, 35)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a/b. No specific commercial uses are proposed. Per the City's zoning ordinance, allowed commercial uses on the project site include offices, services, restaurants, and retail. Several uses that could utilize larger quantities of hazardous materials, such as gasoline stations and automobile repair are conditionally allowed on the project site. Storage of hazardous materials at these types of uses are regulated through the State and monitored by the City in accordance with Municipal Code Chapter 8.40 - Hazardous Materials Storage. The likelihood of a significant hazardous materials release is low. Uses that involve significant quantities of more hazardous materials are not allowed.
- c. The nearest schools are Paradise Valley Elementary, located about one-quarter mile west of the project site and the privately operated Oakwood Country School, located about one-third mile southeast of the project site. The proposed project includes unspecified commercial uses along Monterey Road. Some of these uses could involve the use of hazardous chemicals. However, neither school is within one-quarter mile of the commercial section of the proposed project.
- d. The project site is not listed in the California Department of Toxic Substances' Envirostor database as having hazardous materials issues. The Envirostor database includes federal, state, and voluntary hazardous materials cleanup sites and current and past hazardous waste facilities. The nearest listed location is the California Department of Forestry and Fire Protection located immediately east of the project site, where monitoring of former leaking underground fuel tanks is in progress. The project site contained a gas station that operated from 1945 to 1968. Underground fuel tanks were removed in 1973. Soil testing was conducted in the southwestern area of the project site, which once contained an orchard, and in the northeastern area of the project site near the former gas station, in March 2011. Testing was conducted for petroleum hydrocarbons as gasoline (TPH-g), diesel (TPH-d), and petroleum constituents (benzene, toluene, ethylbenzene, and total xylenes) in the soil and groundwater near the gas station, and for organochlorine pesticides and arsenic in the location of a former orchard. The hazardous materials testing report is included in [Appendix E](#). The testing indicates

- that no hazardous material for which testing was conducted exceeded established limits for the intended uses of the project site (page 9). Although arsenic was above State of California direct exposure goals, it was lower than background levels for the region (page 10). Testing for lead and asbestos within the buildings has not been conducted. Standard demolition procedures would include testing for these materials and, if present, standard handling procedures would ensure proper removal and disposal. Naturally occurring asbestos is found in some of the mountains adjacent to the Santa Clara Valley, but is not likely to occur within the project site at significant concentrations.
- e/f. The project site is outside the safety zones for the South County Airport in San Martin, which is located approximately 2.5 miles southeast of the project site. No public or private airports or airstrips are located within two miles of the project site.
 - g. The Santa Clara County Hazard Mitigation Plan is currently in preparation, and is proposed to be integrated with the Association of Bay Area Governments emergency response plan. The plan focuses on safe buildings, wildfire safety, and flooding. The project site is partially within a 100-year flood zone. Refer to Section 9 Hydrology and Water Quality for additional information.
 - h. The project site is in an area of development, open space, and agriculture. The open space is along West Little Llagas Creek, which is maintained by the Santa Clara Valley Water District, and contains vegetation that is not highly flammable. The project site is not adjacent to large areas of brush or forest. The project site is not designated as having an elevated risk for wildfire on the City's Wildland Urban Interface map. The California Department of Forestry and Fire Protection station is located immediately east of the project site and could provide rapid response in the event of a wildlands fire.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements? (1, 3)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (1, 34)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in <i>substantial erosion or siltation on- or off-site?</i> (3, 4, 51)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in <i>flooding on- or off-site?</i> (4, 52)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (3, 41, 42, 51)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality? (3, 51)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (19, 20, 25, 44, 52, 53, 56, 57, 58)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (19, 20, 25, 28, 44, 52, 53, 56, 57, 58)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (19, 21, 26, 27)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
j. Cause inundation by seiche, tsunami, or mudflow? (3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The proposed project would discharge wastewater to the City's wastewater system. Wastewater is treated at the South County Regional Wastewater Authority treatment plant in Gilroy. The proposed project would not violate any waste discharge requirements. Refer to item "e" below regarding storm water run-off water quality.
- b. The City's water is pumped from wells in the Llagas and Coyote Valley subbasins of the Santa Clara Valley Groundwater Basin, with an estimated 173,000 to 198,000 acre-feet in storage (Urban Water Management Plan page 4-6). Sustainable pumping capacity is estimated at about 18,422 acre-feet per year (Urban Water Management Plan page 4-2). Current annual pumping averages about 8,000 acre-feet per year, with future pumping projected at 8,600 acre-feet in 2020 and 9,600 acre-feet in 2030 (Urban Water Management Plan pages 3-7 and 4-4). Groundwater is recharged naturally by rainfall and supplemented by a recharge program utilizing Central Valley Project water and detained storm water from reservoirs. In normal rainfall years the City's sustainable water supply is estimated to be 21,600 acre-feet. In single dry years the City's water supply would be as little as 8,600 acre-feet and in a multiple dry year scenario, the City would have a sustainable supply of 21,400 acre-feet of water available. The Urban Water Management Plan indicates that the City has an adequate water supply. The proposed project's uses are consistent with the City's general plan and were taken into account in the Urban Water Management Plan's water demand projections. Therefore, the City would have adequate water supplies for the proposed project.
- c/e/f. A remnant drainage flows across the project site and off-site through a culvert to the southwest. The proposed project would remove this drainage and replace it with a bioswale/underground detention system eventually discharging to the location of the existing culvert. Outflows from the project site would remain at pre-development rates and no erosion would occur as a result of the relocation of the existing drainage.

Storm water run-off quality can be affected by construction activities and project operations. Soil erosion and toxic material spills are the greatest concerns during construction. Grading removed vegetation and loosens the soil surface, increasing the risk of soil washing or blowing into nearby creeks. Fuels, oils, and similar substances used with construction equipment can enter groundwater or wash into creeks if spilled in sufficient quantity. Proposed grading and drainage plans are preliminary, and do not provide detail on the treatment of storm water run-off. The project site exceeds one acre and is subject to the requirements of the National Pollution Discharge Elimination System (NPDES) General Construction Permit for the State of California. A Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP details the site-specific Best Management Practices to control erosion and sedimentation and maintain water quality during the construction phase. In conjunction with Standard Measure AQ-1 presented in the Air Quality Section, water quality impacts from construction would be reduced to a less than significant level.

The greatest potential source of water pollutants during project operations would be oils and related compounds that would spill onto pavement from vehicles. A variety of other urban chemicals (garden chemicals, animal waste from pets, etc.) can also pollute waters. These pollutants can be washed into drainage conveyances and carried downstream by storm waters.

The City of Morgan Hill has adopted and prepared a Storm Water Management Plan and been issued the NPDES Small MS4s General Permit by the Central Coast RWQCB [Order Number 2003-0005-DWQ, Waste Discharge Identification Number (WDID#) 3-43MS03020]. The City of Morgan Hill is designated by the EPA as a small MS4, meaning a smaller municipal separate storm sewer systems (small MS4) serving less than 100,000 people. The City's SWMP plan outlines a comprehensive five year plan to establish Best Management Practices through six Minimum Control Measures to help reduce the discharge of pollutants into waterways and to protect local water quality caused by storm water and urban run-off within the corporate limits of Morgan Hill. The proposed project must comply with the City's control measures.

A Water Quality Management Plan has been prepared for the proposed project. Storm water is proposed to be detained in vegetated swales and underground basins. These measures are designed to capture pollutants prior to discharge off-site and downstream, particularly the initial flush of storm water, which carries the greatest concentration of pollutants. Pollutants captured by vegetation or mechanical filters either biodegrade or are removed manually. The on-site storm drainage system would be privately owned and maintained. Implementation of the following mitigation measure would ensure ongoing maintenance and reduce water quality impacts to a less than significant level:

MM HY-1. Subject to the review of the Morgan Hill Engineering Division, as part of Architectural and Site Plan Review application, the project applicant shall prepare and implement in perpetuity a maintenance program for the proposed project's low impact development storm water system.

An operations and maintenance plan shall be developed to ensure that the infiltration basin and vegetated swales are kept in a state where they perform properly. The low impact development operations and maintenance plan shall meet the standards of, and could be subject to the review and approval of, the Santa Clara Valley Water District and the Central Coast Regional Water Quality Control Board.

Refer also to item g/h regarding capacity of existing or planned off-site storm water facilities.

- d. The proposed project would increase impervious surfaces and storm water run-off rates. The proposed project would result in about 84,000 square feet of building coverage, or about 55 percent of the residential site. In total, about 88 percent of the residential site would be covered in impervious surfaces (buildings, streets, sidewalks). About 44,000 square feet of paved street would be dedicated to the City and is not included in the proposed project's on-site storm water drainage system.

Based on the City's land development drainage standard, the project would need to minimally detain water from a 25 year storm with 25 percent freeboard. The Water Quality Management Plan states that the underground detention basin would overflow storm flows in excess of a 10-year storm. No information is given for the detention capabilities of the vegetated swales. Implementation of the following standard measure would ensure that the proposed project would not affect the potential for downstream flooding.

SM HY-2. A storm drainage study shall be submitted to the Director of Public Works for review and approval prior to recordation of final map. The storm drainage study shall include calculations to determine detention and operations and demonstrate how the runoff detention facilities will accommodate a 25-year storm flow.

- g/h. The project site is located adjacent to West Little Llagas Creek, a tributary to Llagas Creek and the Pajaro River, flowing south and then west to Monterey Bay. Most of the residential section of the project site, and a small portion of the commercial site, are located within Federal Emergency Management Agency (FEMA) flood zone AE. Flood zone AE is subject to one-percent (100-year) floods. [Figure 9, Flood Zones](#), shows the flood zones in the vicinity of the project site. The Santa Clara Valley Water District (SCVWD), U.S. Army Corps of Engineers and City of Morgan Hill plans to construct a flood protection project (Upper Llagas Creek Flood Protection Project) to carry the flows

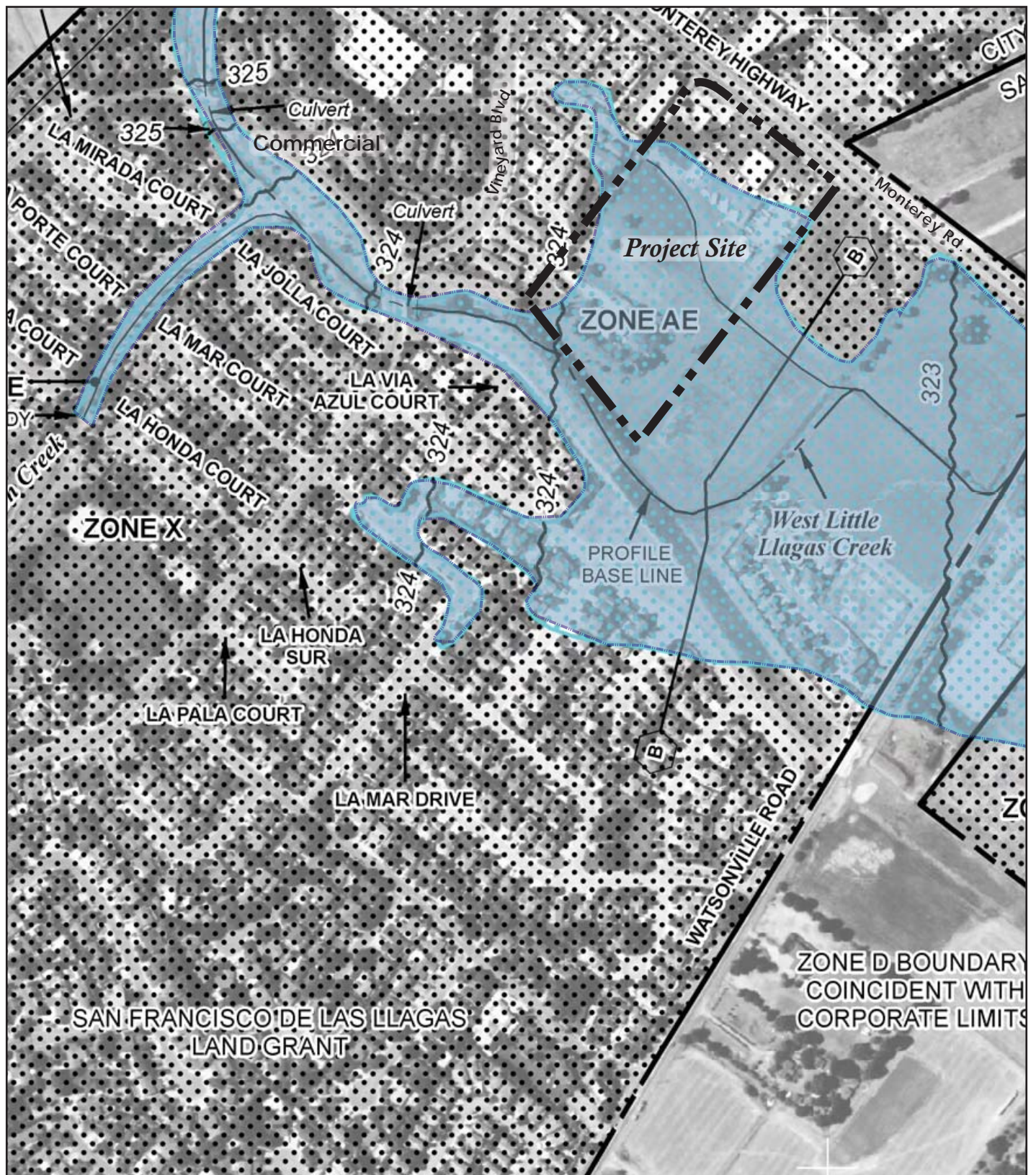
of West Little Llagas Creek through Morgan Hill. According to the SCVWD 2012-2016 5-Year Capital Improvement Program, construction of the channel will be completed in 2016³. At completion of the flood protection project, the project site would be considered to be protected from flooding.

In lieu of completion of the Upper Llagas Creek Flood Protection Project, the proposed project would include grading and/or fill to ensure that first floor building elevations would be a minimum one foot above the 100-year flood elevation. MH Engineering completed a floodplain study for the proposed project on October 10, 2012, and the SCVWD approved the study on October 22, 2012 (Appendix F). The study involved the conversion of older flood models to current modeling software and elevation datum, and comparison of the results with existing flood level data. The floodplain study concluded that recent prior development along Little West Llagas Creek had the effect of raising flood elevations by about 0.13 feet, and that the proposed project would have the effect of raising flood elevations by about 0.07 feet; cumulatively, flood level elevations would be increased by 0.2 feet. The FEMA standard for significance is 1.0 feet, therefore, the cumulative impacts does not violate the National Flood Insurance Program, City floodplain regulations, or cause an adverse impact onto neighboring properties in the flood plain. In addition, drainage work associated with the current roadway extension project for Butterfield Boulevard, southeast of the project site, will likely reduce these impacts. The City Engineer reviewed the floodplain study and provided a conditional approval on October 31, 2012 (Appendix F).

To reduce the effects of project site fill within the 100-year floodplain, the following mitigation measures shall be required to reduce potential flooding impacts to a less than significant level.

MM HY-3. The applicant shall prepare final grading plans that are in substantial compliance with the tentative grading design. Following the completion of on-site grading and prior to building foundation inspection approval, a registered civil engineer or surveyor shall prepare a field survey to certify in writing that the final grades are in conformance with the grading plans.

³ Pending availability, approval, and acceptance of funding sources for the completion of the flood control project.



Source: FEMA 2009

Figure 9
Flood Zones

Diamond Creek Villas Initial Study



0 400 feet



Project Boundary



Flood Zone



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MM HY-4. The project site shall be graded such that the first floor of all structures constructed within areas designated as zone AE on the Federal Emergency Management Agency's Flood Insurance Rate Map shall be a minimum of one foot above the base flood level as shown on the flood map. The applicant shall obtain an elevation certificate and respective FEMA letter of map revision based on fill (LOMR-F) for each building, or group of buildings, prior to occupancy. Due to project phasing, multiple LOMR-F applications may be required.

- i. The project site is in a location that could be inundated following failure of either the Chesbro Dam on Llagas Creek or the Anderson Dam on Coyote Creek. Chesbro Reservoir was completed in 1955 and impounds up to 7,945 acre-feet of water and Anderson Dam was completed in 1950 and has a capacity of 90,373 acre-feet of water. Both dams are operated by the SCVWD, which undertook a dam safety study in 2009. Anderson Dam was determined to be potentially susceptible to failure under a 7.25 magnitude earthquake on the Calaveras Fault, which runs within 1.2 miles of the dam. The dam is currently kept at a minimum of 25.5 feet below spillway to reduce the potential for disastrous flooding were the dam to fail. The SCVWD initiated a capital project to complete the planning, design and construction of a seismic retrofit by the end of 2018. The operating restriction will remain in place until the project is completed. is currently formulating a long-term structural solution for the dam. A seismic stability analysis for Chesbro Dam is underway.
- j. The project site is not located in an area subject to tsunami, seiche, or mudflow.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community? (1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The project proposes to redevelop a commercial portion of the property and develop the predominantly vacant remaining portion of the site with residential uses. The project site could be considered an infill project as it is surrounded on three sides by other urban types of uses (residential, commercial, and public uses). To the southeast of the project site is a vacant area and beyond that developed parcels of lesser intensities (transition to rural unincorporated county areas. Based on the proposed project plans, the project will provide for future circulation to the areas to the southeast.
- b. The proposed project is consistent with the City's general plan land use designations and policies, and with the City's zoning ordinance.
- c. At the time of publication, there is no adopted habitat conservation plan (HCP) or natural community conservation plan covering the project site. A habitat conservation plan for Santa Clara County (Santa Clara Valley HCP), including Morgan Hill, is in the process of development. The City of Morgan Hill has approved the plan, but it has not been adopted by all of the sponsoring jurisdictions or agencies included in the plan. In addition, permits by the wildlife agencies (United States Fish and Wildlife Service and CDFG) have not been issued and final plan implementation details are under development. The project may be considered exempt from the HCP if certain conditions are met as outlined in Chapter 2 of the Final HCP ("pipeline project"). However, there may be certain benefits the project could receive if considered a project under the HCP. Regardless, the project will not have an impact on the implementation of the HCP. Therefore, the proposed project would not result in any related impacts.

11. MINERAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a/b. The project site is not a known location of valuable mineral resources. No mineral resource mining is known to have occurred on the project site. The Morgan Hill General Plan does not identify any areas of mineral resources within the City's planning area.

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 3, 39)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The general plan establishes an exterior noise level standard for single residential uses of 60 dBA Ldn, with multiple-family residential acceptable up to 65 dBA Ldn, although outdoor use areas should be kept at no greater than 60 dBA Ldn if possible. Exterior noise levels up to 70 dBA Ldn are acceptable for commercial uses (General Plan page 115). The residential areas of the project site have noise levels at or below 60 dBA Ldn. The commercial site's noise level is at or below 70 dBA Ldn (General; Plan page 111).

- b. The proposed project would not involve the creation of vibration, nor are there any uses near the project site that would cause significant vibration.
- c. The proposed project would add traffic to nearby roads, but the traffic would constitute a small percentage of total traffic and the rise in noise levels associated with the additional traffic would not substantially raise noise levels.
- d. Multi-family housing is adjacent to the project site to the northwest, and would be subject to construction noise from the proposed project. The City restricts the hours during which construction noise may occur so that noise impacts on neighbors to construction sites is maintained at an acceptable level (Municipal Code Section 8.28.040).
- e/f. The project site is outside the 60 dBA noise contour of the South County Airport, located approximately 2.5 miles southeast of the project site in San Martin. No private or public airports or airstrips are located within two miles of the project site.

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The proposed project includes the maximum number of residential units allowed for the site by the City. The project design accommodates additional housing to the south by providing stubbed streets and/or driveways, but the adjacent property is also designated for residential development. The proposed project does not extend City utilities into areas not planned for future development.

Residential development within the City is controlled through the City's Residential Development Control System (RDCS). The RDCS was established in 1977 as a voter initiative (Measure E) to ensure that residential development occurs at a pace consistent with the availability of public services and infrastructure. The RDCS was refined and extended through Measure P in 1990 which established a population ceiling of 38,800 for the City in the year 2010. The initiative was last extended in 2004, when the voters approved Measure C to extend the RDCS to 2020 allowing for a total population of 48,000. According to the provisions of the RDCS, building allocations for residential units are awarded on a fiscal year basis, requiring the commencement of construction in the fiscal year the allocation is awarded. Based on the calculation to determine the number of residential building allocations awarded each fiscal year, there are approximately 200-250 units allocated per year. The RDCS is part of the land use element of the City's General Plan and requires applicants to demonstrate that the project will be adequately served by city services while not having adverse impacts on those services.

The proposed project was awarded allocations as follows:

FY10-11 68 units (rental/condo units) – an extension was awarded to extend commencement date to December 30, 2012;

FY11-12 31 units (rental/condo units) - an extension was awarded to extend commencement date to June 30, 2013;

FY12-13 15 units (townhouse units); and

FY13-14 14 units (townhouse units).

Except as otherwise noted, commencement of construction is required prior to June 30 of the fiscal year (final occupancy cannot be completed prior to July 1 of the start of the fiscal year).

Therefore, since the project was awarded RDCS building allocations out of the units already identified as part of the growth control measure and this was anticipated as part of the City's General Plan, the project will not induce substantial population growth.

- b. There is currently one house located on the project site. A parked motor home may provide a semi-permanent second housing unit on the project site. The proposed project would result in a net increase of up to 129 housing units.
- c. Given an average household size of 3.07 persons per household, about three people are likely to live in the house at the project site. One of two additional people may live in the motor home. Housing that would accommodate up to about 400 persons would be constructed on the project site.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Fire protection? (1, 36)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Police protection? (1, 37)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Schools? (1, 38)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Parks? (1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Other public facilities? (1)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The City currently contracts with the Santa Clara County Fire Department for fire protection and emergency medical response. This contract will expire at the end of 2012, at which time the City will begin contract services with The California Department of Forestry and Fire Prevention (CalFire). The Santa Clara County Fire Department's Morgan Hill service area is discontinuous with its other service area (which is generally west of San Jose). The Santa Clara County Fire Department operates two fire stations in Morgan Hill: one on Old Monterey Highway and one on Dunne Avenue (which are in the process of transferring to the City), and has mutual aid agreements with adjacent jurisdictions. The California Department of Forestry and Fire Prevention operates a fire station across Monterey Road from the project site. There are a number of performance goals contained in the City's Fire and Emergency Medical Services Master Plan Update (2002). In general, the response based performance goals state that a total travel time of five minutes and a total response time of seven minutes to 90 percent of all emergency responses should be maintained and are anticipated to be maintained with the service provider transitioning to CalFire. No new fire facilities would be required to serve the proposed project. All the proposed buildings within the project will be required to be constructed with fire sprinklers.

Based on the project's proximity to existing fire stations, no significant impacts will result to fire services.

- b. The project site is served by the City of Morgan Hill Police Department. The police department has 36 officers and operates from an office on Vineyard Boulevard. The proposed project would incrementally increase demand for police services but not require construction of new police facilities. The City collects a development impact fee to off-set the cost of future police facility expansions.
- c. The project site is within the Morgan Hill Unified School District. The nearest elementary school is Paradise Valley located about one-half mile to the west of the project site (via the Llagas Creek bike path). The nearest middle school is Britton located on West Central Avenue, about two miles from the project site, and the nearest high school is Live Oak located on East Main Avenue about four miles away.

Future residential development on the project site would increase the population of the project area and would, therefore, increase demand on local schools. Using the Morgan Hill Unified School District's student generation rate of 0.4732 students for single-family detached housing, and 0.4102 for multi-family housing the proposed 130 units would generate approximately 53 students at full buildout.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. The school impact fees are used to offset the project-related increase in student enrollment. Future development projects will be required to comply with the school impact fee requirements of the Morgan Hill Unified School District. Developers of both residential and commercial buildings pay a development impact fee to the school district.

- d. The proposed project would include a small private park for use by residents. The proposed project does not include any public park land. The nearest public park facilities are the trail along Llagas Creek and Paradise Park, about one-half mile to the west.

Using the City's parkland goal of five acres per 1,000 residents, the future residential development project will need to provide approximately 0.30 acres of public parkland.

The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. The proposed project would be required to comply with the City's parkland dedication or in-lieu fees for residential developments, which would avoid significant impacts to the City's park facilities.

- e. The proposed project would incrementally increase demand for other City services such as libraries. The proposed project would not require the construction of any specific facilities, but would pay development impact fees to off-set a share of future costs.

15. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The proposed project would include a small private park for use by residents. The proposed project does not include any public park land, but will construct a pathway to provide public access to the Llagas Creek Trail. The nearest public park facilities are the trail along Llagas Creek (adjacent to the subject site) and Paradise Park, about one-half mile to the west. Using the City's parkland goal of five acres per 1,000 residents, the future residential development project will need to provide approximately 0.30 acres of public parkland.

The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. The proposed project would be required to comply with the City's parkland dedication or in-lieu fees for residential developments, which would avoid significant impacts to the City's park facilities.

The proposed project would result in a small increase in demand for parks but would not result in significant deterioration of any facilities.

- b. The proposed project would not include any public park land. The proposed project would include a small private park for use by residents. The potential environmental effects of the proposed park are included within this initial study. There are no environmental effects that are specifically attributable to the proposed private park.

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 39)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (39, 40)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (3, 5, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (39)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Result in inadequate emergency access? (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (1, 39, 40)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a/b. The City of Morgan Hill has established traffic level of service standards for intersections within its jurisdiction. Generally, this is LOS D as defined by Transportation Research Board's *2000 Highway Capacity Manual*. LOS E is acceptable at several locations where

heavier traffic volumes are anticipated. Hexagon Transportation Consultants prepared a traffic impact analysis that estimated the number of automobile trips that the proposed project would generate, and projected the effect of those trips on the level of service at seven nearby intersections.

The traffic impact analysis studied four scenarios, including existing conditions, existing conditions with the project traffic added, cumulative conditions, and cumulative conditions with the project traffic added. The existing scenario reflects traffic conditions with existing development within the City and the project site. The project scenario reflects conditions if project traffic were added to existing conditions. Cumulative conditions are those that would exist in 2015, accounting for anticipated development, but without the project being constructed. The cumulative conditions with project scenario adds project traffic to the cumulative conditions.

Traffic conditions are expressed in terms of peak hour level of service (LOS), with LOS A being very good conditions and LOS F being very poor conditions. The morning and afternoon peak hours are typically the heaviest traffic periods and are studied in the traffic impact analysis. The City has established level of service standards that allow either LOS D or LOS E conditions as acceptable, depending on location. Seven locations within the City were studied in the traffic impact analysis.

The findings of the traffic impact analysis are summarized in [Table 2, Level of Service Summary](#), which presents existing, project, and cumulative conditions. The traffic impact analysis is included in [Appendix G](#).

Under existing conditions (existing traffic levels on existing streets) all of the studied intersections operate at an acceptable level of service. Traffic volumes were obtained from counts made in April 2011 at each of the studied intersections.

The proposed project traffic volumes were estimated using standard multipliers from the Institute of Transportation Engineers' *Trip Generation*, Eighth Edition, 2008. A trip is defined as a one-way travel segment; i.e. a trip from home to the store and back is counted as two trips. Commercial uses are estimated to generate 1,159 daily trips (27 during the morning peak hour and 101 during the afternoon peak hour). This traffic level was adjusted for trips from the housing within the proposed project, which do not pass through the studied intersections, and for "pass-by" trips, which would visit the proposed commercial uses, but are existing trips that already pass the project site. The residential development was projected to generate about 749 daily trips (57 during the morning peak hour and 67 during the afternoon peak hour). This traffic level was adjusted for trips to the commercial uses within the proposed project, which do not pass through the studied intersections. Existing trips from the project site (240 daily trips) were subtracted to

provide a net new trip volume of 1,445 daily trips (65 during the morning peak hour and 106 during the afternoon peak hour). Project traffic was assigned to local streets based on the probable distribution of both commercial and residential trips to and from the project site.

Table 2 Level of Service Summary

Intersection	Std	Peak Hour	Existing	Existing Plus Project	Cumulative w/o Project	Cumulative with Project
Monterey Rd/ Watsonville Rd	D	AM PM	B B	B B	C C	C C
Monterey Rd/ Vineyard Blvd	D	AM PM	C D	C D	C D	C D
Monterey Rd/ Tennant Ave	E	AM PM	C C	C C	C C	C C
Vineyard Blvd/ Tennant Ave	D	AM PM	C D	C D	C C	C C
Butterfield Blvd / Tennant Ave	E	AM PM	C C	C C	D D	D D
US 101 S-bound ramps/ Tennant Ave	E	AM PM	C C	C C	C C	C C
US 101 N-bound ramps/ Tennant Ave	E	AM PM	C C	C B	C C	C C

Source: Hexagon Transportation Consultants 2011

Under the existing plus project conditions (net traffic from the proposed project is added to the existing traffic levels on the existing street network), none of the studied intersections would degrade to a lower level of service. Project traffic was determined to add less than one half of one percent of the traffic that constitutes capacity on the segments of U.S. Highway 101 nearest the project site. Because the proposed project traffic would represent less than one percent of total capacity on U.S. Highway 101, there would be a less than significant impact on the highway level of service.

The cumulative scenario considers the traffic levels and street conditions that would exist in 2015. One significant new street is anticipated to exist under cumulative conditions: the extension of Butterfield Boulevard between Tennant Avenue and Monterey Road. Cumulative traffic volumes were obtained from Year 2015 traffic forecasts produced

using the City of Morgan Hill traffic demand forecasting model. The Year 2015 traffic forecasts include land use growth and transportation improvements associated with the City's 2010 General Plan. The studied intersections would operate within the acceptable standard under cumulative traffic conditions. The cumulative plus proposed project scenario adds project traffic to the 2015 traffic volumes and roadway network. The studied intersections would operate within the acceptable standard under cumulative plus project traffic conditions.

The Monterey Road/project entrance intersection would operate at LOS F conditions during the afternoon peak hour; however, traffic volumes at that location would not be high enough to warrant signalization. The need for signalization of unsignalized intersections was assessed based on the Peak Hour Volume Warrant (Warrant 3) described in the *California Manual on Uniform Traffic Control Devices for Streets and Highways (CA MUTCD)*, Part 4, Highway Traffic Signals, 2010. This method makes no evaluation of intersection level of service, but simply provides an indication whether vehicular peak hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. Intersections that meet the peak hour warrant are subject to further analysis before determining that a traffic signal is necessary. According to the City of Morgan Hill level of service guidelines, a development would have a significant adverse traffic impact at an unsignalized intersection if for either peak hour the addition of project traffic causes the worst approach delay to degrade to LOS E or F and the traffic volumes are high enough to satisfy the peak hour volume warrants. Because the traffic volumes are low, signalization of the project entrance is not required. Signalization of the project entrance would increase safety and minimize delays at the project entrance the California Department of Forestry driveway. With signalization, the Monterey Road/project entrance intersection would operate at LOS B or better during both peak hours under project conditions.

The proposed project would not conflict with or exceed policies or standards established by the Santa Clara Valley Transportation Authority's *Valley Transportation Plan 2035*. One of the key policies of the *Valley Transportation Plan 2035* that is pertinent to development projects is intensification of development within transportation corridors. Although Monterey Road is not identified as a corridor under the Community Design and Transportation program (Valley Transportation Plan 2035 page 64), and the project site is about 1.5 miles from the Morgan Hill Caltrain Station, several regional bus lines operated by Santa Clara Valley Transportation Authority pass the project site. The proposed project provides a mix of residential and commercial uses in a location served by additional existing commercial uses. The residential portion of the proposed project has a density of about 17 units per acre and is consistent with this policy direction.

- c. The proposed project would not affect air traffic.
- d. The proposed project does not include hazardous designs. The traffic impact analysis' evaluation of sight distance at the proposed project access at Monterey Road indicates that adequate sight distance is provided. An analysis of vehicular queues at the project entrance indicates that the existing left-turn storage capacity would be adequate to accommodate project traffic.
- e. The proposed project includes two primary access points at Monterey Road, and an eventual third access point from adjacent residential development to the south that would be constructed at some time in the future. The adjacent West Little Llagas Creek bike path could also be used for emergency access.
- f. The traffic impact analysis identifies narrow roadways in the vicinity of the project site that could present dangers to bicyclists from the proposed project. However, roadways immediately adjacent to the project site have bicycle lanes, and the City has policies to include bicycle facilities on new and improved roadways. The proposed project is also adjacent to the bicycle path along West Little Llagas Creek and would provide a direct public connection to the bicycle path. The proposed project would provide sidewalks on new streets, and all urban streets in the vicinity that have services also have sidewalks.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 3, 34, 43)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (19, 20, 25, 28, 44)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1, 34)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 3, 43)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (45, 46)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste? (45, 46)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The proposed project would discharge wastewater to the City's wastewater system, which transports wastewater for treatment at the regional wastewater treatment plant (WWTP) in Gilroy. The WWTP is operated by South County Regional Wastewater Authority (SCRWA). The WWTP operates within the requirements of the Central Coast Regional Water Quality Control Board. The proposed project would not violate any waste discharge requirements.

- b. The WWTP accepts wastewater flows from the City of Gilroy and the City of Morgan Hill and the WWTP capacity and finances are split between the two cities. The existing dry weather capacity of the WWTP is about 8.5 million gallons per day. An expansion of WWTP capacity to 12.75 million gallons per day is anticipated to begin in 2012 and is expected to be completed by 2015. The SCRWA has also identified additional lands available for expansion of the percolation ponds. The WWTP expansion will accommodate growth planned in the Gilroy and Morgan Hill general plans.

The City's water is pumped from wells in the Llagas and Coyote Valley subbasins of the Santa Clara Valley Groundwater Basin and pumped uphill to the east and west of the City. The proposed project is consistent with the general plan and was anticipated when the City's water system was planned. The existing City water system, along with planned expansions and extensions would adequately serve the proposed project.

No sewer or water system expansions are required to specifically serve the proposed project.

- c. The proposed project's on-site storm water drainage system would include gutters, underground conduits, and a detention basin that would maintain off-site flows at no greater than existing conditions. Storm water would discharge from the project site into the existing drainage swale and eventually into West Little Llagas Creek. The SCVWD has a project underway to construct an enlarged drainage channel to carry the waters of West Little Llagas Creek. Portions of this channel, including the portion adjacent to the project site, have been constructed. No new off-site storm water facilities that are not already planned would be required for the proposed project.
- d. Current average annual groundwater pumping is estimated at about 8,000 acre-feet per year, with future pumping projected at 8,600 acre-feet in 2020 and 9,600 acre-feet in 2030 (Urban Water Management Plan pages 3-7 and 4-4). Groundwater is recharged naturally by rainfall and supplemented by a recharge program utilizing Central Valley Project water and detained storm water from reservoirs. The City's sustainable water supply is estimated to be 18,422 acre-feet per year (Urban Water Management Plan page 4-2). The Urban Water Management Plan indicates that the City has an adequate water supply. The proposed project's uses are consistent with the City's general plan and were taken into account in the Urban Water Management Plan's water demand projections. Therefore, no new water supplies will need to be developed for the proposed project.
- e. Refer to the response to item b.

- f/g. The Salinas Valley Solid Waste Authority operates landfills and transfer stations designed to accommodate the long-term solid waste disposal needs of customers within the City. Solid waste generated at the proposed project would go to the Johnson Canyon landfill, located at 31400 Johnson Canyon Road, outside the City of Gonzales. According to Estela Gutierrez, a Resource Recovery Technician at the Salinas Valley Solid Waste Authority, the landfill currently has 30 years of capacity, which is anticipated to increase as more diversion programs and new technologies are applied (telephone conversation with consultant, September 1, 2011). Therefore, there is sufficient permitted capacity to accommodate the project's solid-waste disposal needs.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 5, 48, 49, 50)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (3, 41, 42)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The proposed project would remove trees that could provide nesting habitat for protected birds, as well as trees protected by the City’s tree protection ordinance. Grading for the proposed project would fill a linear jurisdictional wetland comprising 0.09 acres. The mitigation measures presented would reduce these effects to a less than significant level. No endangered species would be eliminated or harmed. The proposed project would not affect historic resources.
- b. The proposed project could contribute urban pollutants (oils, pesticides, etc.) to downstream waters, which could contribute to cumulative water quality effects without implementation of the proposed mitigation measures.
- c. The proposed project would not result in substantial adverse effects on human beings. The project would not result in toxic hazards to human health, exposure to unusual risks from fire or earthquake, creation of dangerous designs, or harmful noise levels.

E. SOURCES

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All documents with numbers indicated in bold are available for review at the **City of Morgan Hill Development Services Department, 17575 Peak Avenue, Morgan Hill, CA; (408) 778-6480** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours. Web-based information is available at the website address.